

REMARKS

Examined claims 23 to 28 and non-elected claims 1 to 22 have been canceled. New claims 29 to 34 are presented better to point out that which applicant regards as his invention.

The objection to the specification is noted. A substitute application is enclosed with proper page numbering.

Claims 27 and 28 (use claims) were rejected under 35 USC 101 and 112. No claims of this type appear in new claims 29 to 34. The rejections are moot.

The rejection of claims 23 to 28 under 35 USC 102 as anticipated by Zelenak '222, if applied to claims 29 to 34, is respectfully traversed.

Zelenak '222 teaches a pressurized process that enables the dissolution of as much as 50 mg/l oxygen in water. This process requires subjecting the water to be oxygenated to an oxygen pressure of at least 20 psi (and as much as 35 to 50 psi) and recovering the oxygenated water under oxygen pressure. Column 5, lines 60-67 further outlines the pressures involved in the Zelenak '222 process (column 2, lines 8-17). It is also noted at column 3, lines 6-8, that there is particularly good oxygen retention of liquids oxygenated in accordance with Zelenak's '222 method that

Serial No. 09/679,371

are kept in containers. Moreover, Zelenak '222 clearly refers to liquid enriched with O₂ gas.

The super-oxygenated water defined in the present application comprises a unique form of dissolved oxygen. Specifically, as set out at page 8, lines 11-24 of the specification, the dissolved oxygen in the claimed oxygenated water is in the unique form of stabilized single oxygen atom rather than molecular oxygen (O₂) gas. The ability of the present method to yield stabilized oxygen atom is directly related to the electronic simulation of the catalyst which provides the electron required to stabilize the outer valence ring of the singular oxygen atoms that result from the electrolysis of water, i.e. dissociation of H₂O. This stabilization reduces the need for the oxygen atoms to bind to form O₂ gas. This form of oxygen in the oxygenated water of the present invention advantageously provides a very stable oxygenated water product which is particularly useful in medicinal solutions, i.e., intravenous solutions, as the absence of O₂ gas molecules minimizes the potential formation of the fatal gas embolisms on administration thereof.

Serial No. 09/679,371

Zelenak '222 neither teaches nor suggests an oxygenated water product as claimed comprising oxygen in the form of a stabile oxygen atom.

The rejection of claims 23 and 24 under 35 USC 102 as anticipated by Hoffman '079, if applied to any of new claims 29 to 34, is respectfully traversed.

Hoffman '079 teaches an aqueous solution having a dissolved oxygen concentration of from about 20 to about 1000 mg/l. The method for preparing such a solution as set out in column 4, lines 1-6, comprises passing a stream of pressurized ozonized oxygen into the solution and sealing the container when the dissolved oxygen concentration is reached. The ozone decomposes into molecular oxygen (column 3, lines 61-63).

As set out above, the claimed oxygenated water comprises stable oxygen atom as opposed to O_2 gas which is the form present in solutions described in Hoffman '079. There is no mention or suggestion in Hoffman '079 of such a stable single oxygen atom. In fact, Hoffmann '079 actually teaches away from the claimed oxygenated water by teaching the use of ozonized oxygen to oxygenate a solution which is known to decompose to molecular oxygen (O_2).

Serial No. 09/679,371

The rejection of claim 23 under 35 USC 102 as anticipated by OXY-WATER, said to show oxygenated water containing 34 mg/l of dissolved oxygen, if applied to any of claims 29 to 34, is respectfully traversed.

As previously noted, the claimed oxygenated water comprises stabilized oxygen atom that is neither taught nor suggested by this citation.

In view of the foregoing revisions and remarks, it is respectfully submitted that the application is in condition for allowance and a USPTO paper to those ends is earnestly solicited.

Serial No. 09/679,371

The Examiner is requested to telephone the undersigned should anything further be required prior to allowance.

Respectfully submitted,

PARKHURST & WENDEL, L.L.P.

March 29, 2002

Date

Charles A. Wendel

Charles A. Wendel

Registration No. 24,453

CAW/ch

Enclosure:

Substitute Specification

Attorney Docket No.: SWAB:003B

PARKHURST & WENDEL, L.L.P.
1421 Prince Street, Suite 210
Alexandria, Virginia 22314-2805
Telephone: (703) 739-0220